

AMENDED IN ASSEMBLY JANUARY 13, 2000

AMENDED IN ASSEMBLY JANUARY 4, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

## ASSEMBLY BILL

**No. 1169**

**Introduced by Assembly Member Frusetta**

February 25, 1999

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An act to add Section 11470.5 to the ~~Penal~~ *Health and Safety* Code, relating to controlled substance cleanup costs.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1169, as amended, Frusetta. Graffiti.

Existing law authorizes the seizure and forfeiture of property that was used or intended to be used in connection with unlawful controlled substance activities as specified. The expenses of seizing, eradicating, destroying, or taking remedial action with respect to a controlled substance are recoverable from any person who aids and abets or knowingly profits from specified activities involving a controlled substance.

This bill would authorize a property owner to apply to the ~~district attorney court~~ to recover the reasonable cleanup costs for his or her property as a result of illegal drug activities on that property. The bill would require that the request be made to the ~~district attorney court~~ who would be required to grant the request upon specified conditions, including, but not limited to, the condition that the property owner had no knowledge of the illegal activity. ~~By increasing the duties of~~

~~local officials, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~yes~~ *no*.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11470.5 is added to the ~~Penal~~  
2 *Health and Safety Code*, to read:

3 11470.5. (a) A person who owns property where  
4 unlawful activity involving a controlled substance was  
5 discovered, may apply to the ~~district attorney~~ *court* in the  
6 county where the property is located, for funds for the  
7 reasonable costs to clean up his or her property and to  
8 restore it to the condition it was in prior to the occurrence  
9 of the unlawful controlled substance related activity.

10 (b) The ~~district attorney~~ *court* shall consider a request  
11 made pursuant to subdivision (a) and shall grant the  
12 request if the following conditions are met:

13 (1) Sufficient funds exist from the property and assets  
14 seized as a result of the unlawful controlled substance  
15 activities.

16 (2) The applicant had no knowledge of the illegal  
17 controlled substance activities on his or her property.

18 (3) The cleanup and restoration costs are a proximate  
19 result of the unlawful controlled substance related  
20 activity that led to the seizure of assets from the  
21 applicant's property.



1   ~~SEC. 2. Notwithstanding Section 17610 of the~~  
2   ~~Government Code, if the Commission on State Mandates~~  
3   ~~determines that this act contains costs mandated by the~~  
4   ~~state, reimbursement to local agencies and school~~  
5   ~~districts for those costs shall be made pursuant to Part 7~~  
6   ~~(commencing with Section 17500) of Division 4 of Title~~  
7   ~~2 of the Government Code. If the statewide cost of the~~  
8   ~~claim for reimbursement does not exceed one million~~  
9   ~~dollars (\$1,000,000), reimbursement shall be made from~~  
10   ~~the State Mandates Claims Fund.~~

